

#### **§ 551.55**

designation under this subpart. Specifically, a valid designation must contain:

- (a) A Designation by Foreign Manufacturer; and
- (b) An Acceptance by Agent.

#### **§ 551.55 What information must a Designation by Foreign Manufacturer contain?**

A Designation by Foreign Manufacturer must contain:

- (a) A statement that the designation is in valid form and binding on the foreign manufacturer under the laws, corporate bylaws or other requirements governing the making of designations at the place and time where it is made;
- (b) The full legal name, principal place of business and mailing address of the foreign manufacturer;
- (c) All trade or brand names, marks, logos or other designations of origin under which the foreign manufacturer's products will be sold; and
- (d) The signature in ink, and the name and title of the official or employee signing the designation on behalf of the foreign manufacturer, who must have authority to appoint an agent.

#### **§ 551.56 What information must an Acceptance by Agent contain?**

An Acceptance by Agent must contain:

- (a) The full legal name, mailing address and telephone number of the agent;
- (b) A statement that the agent accepts the designation and understands that (s)he may not assign performance of the agent's functions under the designation to another person or entity, and that the designation shall remain in effect until it is withdrawn or replaced by the foreign manufacturer;
- (c) The signature in ink of the agent, or an official or employee of the domestic firm or corporation serving as the agent, who must authority to sign for the firm or corporation; and
- (d) The name and title of the individual signing the acceptance.

#### **§ 551.57 Who may sign the Designation by Foreign Manufacturer?**

Only an official or employee of the foreign manufacturer with authority to

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appoint an agent may sign the Designation by Foreign Manufacturer.

#### **§ 551.58 Who may sign the Acceptance by Agent?**

Only the agent, in the case of an individual, or an official or employee, in the case of a domestic firm or corporation serving as the agent with authority to sign for that firm of corporation, may sign the Acceptance of Agent.

#### **§ 551.59 May the same individual sign both the Designation by Foreign Manufacturer and Acceptance by Agent?**

(a) Generally no; the Designation by Manufacturer must be signed by an official or employee of the foreign manufacturer and the Acceptance by Agent must be signed by the foreign manufacturer's agent, in the case of an individual, or by an official or employee, in the case of a domestic firm or corporation serving as its agent.

(b) Occasionally an official of a foreign manufacturer also serves as an official of a domestic firm or corporation or is a permanent resident of the United States. In such cases, the official may serve as agent and sign the designation documents both on behalf of the foreign manufacturer and as agent. However, the foreign manufacturer must submit to NHTSA, along with the designation documents, a letter explaining that the individual signing the designation is both an official of the foreign manufacturer with authority to appoint an agent and a permanent resident of the United States or official of a domestic firm or corporation. If NHTSA does not receive an explanatory letter at the same time it receives the designation, the agency will deem the designation insufficient under this subpart and reject the submission.

#### **§ 551.60 When must the Designation by Foreign Manufacturer be signed?**

(a) The foreign manufacturer must sign the Designation by Foreign Manufacturer on or before the date that the agent signs the Acceptance by Agent. It is not possible for an individual or entity to accept a designation as agent until on or after the date on which a